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Security Council

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Statement by the President of the Security Council

At the 6865th meeting of the Security Council, held on 19 November 2012, in connection with the Council's consideration of the item entitled "Maintenance of international peace and security", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council reaffirms its primary responsibility for the maintenance of international peace and security, in accordance with the Charter of the United Nations, and recognizes the primary responsibility of States in the eradication of piracy.

"The Security Council continues to be gravely concerned by the threat that piracy and armed robbery at sea pose to international navigation, the safety of commercial maritime routes, and the security and economic development of States in the regions concerned, as well as to the safety and welfare of seafarers and other persons, including through their being taken as hostages, and the increasing violence employed by pirates and persons involved in piracy and armed robbery at sea. The Security Council condemns in the strongest terms hostage taking and the use of violence against hostages, and calls upon States to also cooperate, as appropriate, to secure the early release of hostages, including through sharing of information and intelligence.

"The Security Council reaffirms its respect for the sovereignty, territorial integrity, and political independence of States concerned.

"The Security Council stresses the need for a comprehensive response by the international community to repress piracy and tackle its underlying causes for a durable eradication of piracy and armed robbery at sea and illegal activities connected therewith.

"The Security Council invites all States, the International Maritime Organization, the International Labour Organization and other relevant international organizations and agencies to adopt or recommend, as appropriate, measures to prevent hijackings, measures to protect the interest and welfare of seafarers who are victims of pirates, both during their captivity through the provision of medical and other humanitarian assistance, as well as after their release from captivity, including their post-incident care and reintegration into society, and in this regard takes note of the proposals for a hostage support program developed by the United Nations — UNPOS and UNODC.

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"The Security Council reaffirms that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982, in particular its articles 100 to 107, sets out the legal framework applicable to combating piracy and armed robbery at sea, as well as other ocean activities and calls upon States to take appropriate steps under their national law to facilitate, in accordance with international law, the apprehension and prosecution of those who are alleged to have committed acts of piracy, including the financing or facilitation of such acts, also taking into account other relevant international instruments consistent with the Convention.

"The Security Council reiterates its call upon States, particularly concerned States, to criminalize piracy under their domestic law and to favourably consider the prosecution of suspected, and imprisonment of convicted pirates and their facilitators and financiers ashore, consistent with applicable international law including international human rights law.

"The Security Council urges States and international organizations, as well as the private sector to share evidence, information and intelligence, as appropriate, for anti-piracy law enforcement purposes, including for ensuring effective prosecution of suspected, and imprisonment of convicted, pirates, and encourages existing and future initiatives in this regard.

"The Security Council welcomes the fact that effective counter-piracy measures through increased national, bilateral and multilateral initiatives as well as regional cooperative mechanisms have led to a substantial reduction in the number of successful piracy-related attacks in different regions, and recognizes the need for continuing efforts with these counter-piracy measures as these gains are reversible as long as the conditions ashore are conducive to pirate activity at sea.

"The Security Council welcomes the commitments made for continued efforts to repress piracy, including efforts by bilateral donors and regional and international organisations to strengthen the capacity of the relevant States to counter piracy and armed robbery at sea including through prosecution of those responsible for acts of piracy and armed robbery at sea and imprisonment of convicted pirates, and in this connection welcomes the important contribution of the Trust Fund Supporting Initiatives of States Countering Piracy off the Coast of Somalia and the IMO Djibouti Code of Conduct Trust Fund and urges both States and non-state sectors affected by piracy, most notably the international shipping community, to contribute to them. The Council also notes the work of the International Piracy Ransoms Task Force to explore options for dealing with the issue of ransom payments to pirates, recognizing its importance.

"The Security Council stresses that the coordination of efforts at the regional level is necessary for the development of a comprehensive strategy to counter the threat of piracy and armed robbery at sea, in order to enable the prevention and disruption of such criminal activities, and also notes the need for international assistance as part of a comprehensive strategy to support national and regional efforts to assist the Member States undertaking steps to address piracy and armed robbery at sea and the illegal activities connected therewith.

"The Security Council reiterates the urgent need to investigate and prosecute not only suspects captured at sea, but also anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who illicitly plan, organize, facilitate, or finance and profit from such attacks.

"The Security Council encourages member States to continue to cooperate with each other in the fight against piracy and armed robbery at sea off the coast of Somalia, underlines the primary responsibility of Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, and requests the Somali authorities, with assistance from the Secretary-General and relevant UN entities, to pass a complete set of counter-piracy laws without further delay, and to declare an Exclusive Economic Zone in accordance with the UN Convention on the Law of the Sea.

"The Security Council commends the efforts of the EU operation ATALANTA, North Atlantic Treaty Organization operations Allied Protector and Ocean Shield commanded by NATO member States, Combined Maritime Forces' Combined Task Force 151 commanded by Denmark, New Zealand, Pakistan, Republic of Korea, Singapore, Turkey, Thailand and the United States, and other States acting in their national capacity in cooperation with Somali authorities and each other, to suppress piracy and to protect vulnerable ships transiting through the waters off the coast of Somalia, and appreciates the efforts of Member States, including China, India, Japan, Malaysia, Republic of Korea and the Russian Federation, which have deployed ships and/or aircraft in the region, as stated in the Secretary-General's report (S/2012/783).

"The Security Council welcomes the initiatives already taken by States and regional organizations, including Economic Community of Central African States (ECCAS), the Economic Community of West African States (ECOWAS), the Gulf of Guinea Commission (GGC) and the Maritime Organization for West and Central Africa (MOWCA), to enhance maritime safety and security in the Gulf of Guinea.

"The Security Council also appreciates the efforts of States in the region of the Gulf of Guinea, and encourages international partners to provide support to States and regional organizations for the enhancement of their capabilities to counter piracy and armed robbery at sea in the region, including their maritime capability to conduct regional patrols and operations in accordance with applicable law.

"The Security Council commends the continued efforts of the Contact Group on Piracy off the Coast of Somalia (CGPCS) to coordinate international efforts in different aspects of the fight against piracy.

"The Security Council appreciates the assistance being provided by the United Nations through the United Nations Office on Drugs and Crime and UNDP and through other international organizations and donors, in coordination with the CGPCS, to enhance the capacity of the judicial and the corrections systems in Somalia, Kenya, the Republic of Seychelles and other States in the region to prosecute suspected, and imprison convicted pirates consistent with applicable international human rights law and encourages

coordination of United Nations actions, including those of its agencies, funds and programmes, in order to improve the effectiveness of international efforts.

"The Security Council emphasizes the importance of promptly reporting incidents to enable accurate information on the scope of the problem of piracy and armed robbery against ships and, in the case of armed robbery against ships, by affected vessels to the coastal State, underlines the importance of effective and timely information-sharing with States potentially affected by incidents of piracy and armed robbery against ships, and takes note of the important role of the International Maritime Organization in this regard.

"The Security Council notes the adoption by the International Maritime Organization of guidelines to assist in the investigation of the crimes of piracy and armed robbery against ships, revised interim guidance to ship owners, ship operators and shipmasters on the use of Privately Contracted Armed Security Personnel (PCASP) on board ships in the high risk area, as well as the revised interim recommendations for flag States, port States and coastal States regarding the use of PCASP on board ships in the high risk area, and encourages flag States and port States to further consider the development of safety and security measures onboard vessels, including regulations for the deployment of PCASP on board ships through a consultative process, including through International Maritime Organization and International Standards Organization.

"The Security Council notes the request of some Member States on the need to review the boundaries of the High Risk Area on an objective and transparent basis taking into account actual incidents of piracy, noting that the high risk area is set and defined by the insurance and maritime industry.

"The Security Council takes note of the ongoing cooperation between the International Maritime Organization, the United Nations Office on Drugs and Crime and the Division of Ocean Affairs and the Law of the Sea with respect to the compilation of national legislation on piracy, encourages countries that have not yet provided their legislation to do so, and notes that copies of national legislation received by the Secretariat have been placed on the website of the United Nations.

"The Security Council requests the Secretary-General to include in his relevant reports to the Council the information concerning the implementation of this Presidential Statement, including any new information and observation, taking into account the work of relevant stakeholders, including regional Organizations, on possible ways to advance international efforts to combat the problem of piracy and armed robbery at sea and associated hostage taking."